

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4579**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CALVIN RICO ROSEMOND,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CR-02-435)

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Submitted: January 29, 2004

Decided: February 9, 2004

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Before WILKINSON, MICHAEL, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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James Barlow Loggins, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Regan Alexandra Pendleton, Office of the United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Calvin R. Rosemond pled guilty to one count of possession with intent to distribute five grams or more of cocaine base, 21 U.S.C. § 841(a)(1) (2000), and knowingly using and carrying a firearm during and in relation to a drug trafficking crime, 18 U.S.C. § 924(c)(1)(A) (2000). He received a 254-month sentence. Rosemond's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but asserting that the district court failed to meet the requirements of Rule 11 of the Federal Rules of Criminal Procedure at the plea hearing and failed to properly calculate Rosemond's sentence. Rosemond has filed a pro se supplemental brief. Finding no reversible error, we affirm.

Neither claim presented by counsel was preserved in the district court. Therefore, they are reviewed for plain error. United States v. Martinez, 277 F.3d 517, 526-27 (4th Cir.), cert. denied, 537 U.S. 899 (2002). First, Rosemond contends his Fed. R. Crim. P. 11 plea hearing was inadequate. In light of the district court's thorough plea colloquy, we find Rosemond was fully aware of his rights and the consequences of his plea and that his plea was knowing and voluntary. We find the district court complied with the requirements of Fed. R. Crim. P. 11 in accepting Rosemond's plea.

Next, Rosemond challenges the district court's calculation of the guideline range and the specific sentence imposed. We find that the guideline range was correctly calculated. Furthermore, because the sentence is within the properly calculated guideline range and the statutory maximum penalty for the offenses, this court has no authority to review the district court's imposition of this specific sentence. United States v. Porter, 909 F.2d 789, 794 (4th Cir. 1990).

We have reviewed the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. We further find Rosemond's claims in his pro se supplemental brief without merit. Accordingly we affirm the judgment of the district court. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED